

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

IN RE:

TKO SPORTS GROUP USA LIMITED,
DEBTOR

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CASE NO. 05-48509-H4-11
CHAPTER 11

REORGANIZED DEBTOR'S REQUEST TO TAKE JUDICIAL NOTICE

Pursuant to Fed. R. Ev. 201, the Reorganized Debtor, TKO Sports Group USA Limited (“TKO”), hereby requests that the Court take judicial notice of the following facts in connection with the hearing on the fee application of Arent Fox, Committee Counsel:

1. The Docket of Sitnal f/k/a *Lantis* Case No. 04-13589-alg pending in the Southern District of New York (attached as Exhibit “A”) reflects that an order was entered on July 1, 2004 employing Arent Fox as Counsel for the Unsecured Creditors Committee (Docket #115).
2. The *Lantis* docket also reflects that Joseph Myers filed an affidavit of disinterestedness as Docket #419 and that Myers filed a Notice of appearance as Docket #490.
3. The *Lantis* Docket reflects that Docket entry #490 is entitled “*Notice of Appearance and Demand for Service of Papers filed by Andrew I. Silfen on behalf of Joseph Myers as Creditor Trustee for the Sitnal Creditor Trust.* (Silfen, Andrew) (Entered: 08/25/2005)” A copy of the Notice of Appearance dated August 25, 2005 is attached as Exhibit “B”.

4. The *Lantis* docket also reflects that Docket # 491 is entitled “*Application for Final Professional Compensation and Reimbursement of Expenses for Arent Fox PLLC, Creditor Comm. Aty, period: 6/3/2004 to 7/31/2005, fee:\$969,032.50, expenses: \$65,089.46.* filed by

Andrew I. Silfen, with hearing to be held on 10/6/2005 at 10:00 AM at Courtroom 617 (ALG) (Attachments: # 1 Exhibit A - Part 1# 2 Exhibit A - Part 2# 3 Exhibit A - Part 3# 4 Exhibit A - Part 4# 5 Exhibit A - Part 5# 6 Exhibit A - Part 6# 7 Exhibit B# 8 Exhibit C# 9 Exhibit D) (Silfen, Andrew) (Entered: 08/31/2005).

5. The Docket of the *Tactica International, Inc.* case pending in the Southern District of New York, Case No. 04-16805-brl, reflects that an order was entered employing Arent Fox as Committee Counsel on December 10, 2004 (docket #74). The Docket is attached as Exhibit "C".

6. On December 14, 2005, the *Tactica* docket reflects the following entry as Docket Number 345 "*Chapter 11 Plan /Notice of Selection of Creditor Trustee filed by Andrew I. Silfen on behalf of Official Committee of Unsecured Creditors.* (Silfen, Andrew) (Entered: 12/14/2005)." A copy of the docket entry selecting Joseph Myers as Creditor trustee is attached. As Exhibit "D".

7. The "Associated Cases" tab of PACER from the case of *Blackwood, Inc.* 02-12093-reg in the Southern District of New York shows adversary proceedings commenced by Joseph Myers. The list of "associated cases" from PACER is attached as Exhibit "E". The Docket of case number 04-02994-reg, *Myers v. B-Trade Services, LLC*, indicates that Arent Fox represented Myers, and that the case commenced April 2004, and concluded December 19, 2005. The *Myers v. B-Trade* docket is attached as Exhibit "F".

8. The "Associated Cases" of the *Lantis* case from PACER are attached as Exhibit "G". The docket from *Myers v. Soft Ray*, 05-02650-alg, attached as Exhibit "H" indicates the case was filed in October of 2005 and is still active, and that Arent Fox represents the Plaintiff,

Joseph Myers, trustee.

9. Model Rule 3.3 (d) of the ABA's Model Rules of Professional Conduct states "(d) In an *ex parte* proceeding, a lawyer shall inform the tribunal of all material facts known to the lawyer that will enable the tribunal to make an informed decision, whether or not the facts are adverse."

10. Tex. Disc. R. Prof. Conduct 3.03 states, in part:

- (a) A lawyer shall not knowingly:
 - (1) make a false statement of material fact or law to a tribunal;
 - (2) fail to disclose a fact to a tribunal when disclosure is necessary to avoid assisting a criminal or fraudulent act;
 - (3) in an *ex parte* proceeding, fail to disclose to the tribunal an unprivileged fact which the lawyer reasonably believes should be known by that entity for it to make an informed decision;

WHEREFORE, TKO prays that the Court take judicial notice the Docket of the facts stated herein and the attached documents.

DATED: April 10, 2007.

Respectfully submitted,

WEYCER, KAPLAN, PULASKI & ZUBER, P.C.

By: /s/ *Hugh M. Ray, III*

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ATTORNEYS FOR TKO SPORTS GROUP USA, LTD.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was forwarded by e-mail and first class mail, postage prepaid, on April 10, 2007, to:

Counsel for Official Committee of Unsecured Creditors:

Andrew I. Silfen
Schuyler G. Carroll
Arent Fox PLLC
1675 Broadway
New York, NY 10019

/s/ *Hugh M. Ray, III*
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